

U.S. District Court
Eastern District of Missouri (St. Louis)
CIVIL DOCKET FOR CASE #: 4:21-cv-01039-HEA
Internal Use Only

Radle v. Unum Life Insurance Company of America
Assigned to: District Judge Henry Edward Autrey
Cause: 29:1362 ERISA

Date Filed: 08/20/2021
Date Terminated: 01/17/2025
Jury Demand: None
Nature of Suit: 110 Insurance
Jurisdiction: Federal Question

Plaintiff

Michael Radle

represented by **Adam James Olszeski**
DAVIS OLSZESKI LLP
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V.

Defendant

**Unum Life Insurance Company of
America**

represented by **Robert J. Golterman**
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Counter Claimant

**Unum Life Insurance Company of
America**
TERMINATED: 01/17/2025

represented by **Robert J. Golterman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained
Bar Status: Active

Jerina Dominique Phillips
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ATTORNEY TO BE NOTICED
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Bar Status: Active

V.

Counter Defendant

Michael Radle
TERMINATED: 01/17/2025

represented by **Adam James Olszeski**
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LEAD ATTORNEY
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Matthew R. Davis
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LEAD ATTORNEY
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Bar Status: Active

Email All Attorneys
(will not send to terminated parties)

Email All Attorneys and Additional Recipients
(will not send to terminated parties)

Date Filed	#	Docket Text
08/20/2021	<u>1</u>	COMPLAINT against defendant Unum Life Insurance Company of America with receipt number AMOEDC-8823112, in the amount of \$402 Non-Jury Demand,, filed by Michael Radle. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Form Intent to Use Process Server, # <u>4</u> Original Filing Form)(Olszeski, Adam) (Entered: 08/20/2021)
08/23/2021	<u>2</u>	NOTICE OF PROCESS SERVER by Plaintiff Michael Radle Process Server: Cole County Sheriff (BAK) (Entered: 08/23/2021)
08/23/2021		Case Opening Notification: 1 Summons(es) issued. The summons was emailed to attorney Adam James Olszeski. All parties must file the Notice Regarding Magistrate Judge Jurisdiction Form consenting to or opting out of the Magistrate Judge jurisdiction. Click here for the instructions. and all non-governmental organizational parties (corporations, limited liability companies, limited liability partnerships) must file Disclosure of Organizational Interests Certificate (moed-0001.pdf). Judge Assigned: U.S. Magistrate Judge Nannette A. Baker. (BAK) (Entered: 08/23/2021)
08/23/2021	<u>3</u>	Pursuant to Local Rule 2.08, the assigned/referred magistrate judge is designated and authorized by the court to exercise full authority in this assigned/referred action or matter under 28 U.S.C. Sec. 636 and 18 U.S.C Sec. 3401, including any case budgeting matters. (Potter, Jacob) (Entered: 08/23/2021)
08/23/2021		Judge Baker enters a Standing Order in all of her cases as follows: See Order for details https://www.moed.uscourts.gov/judge/nannette-baker (CBL) (Entered: 08/24/2021)
12/16/2021	<u>4</u>	ENTRY of Appearance by Robert J. Golterman for Defendant Unum Life Insurance Company of America. (Golterman, Robert) (Entered: 12/16/2021)
12/16/2021	<u>5</u>	ENTRY of Appearance by Jerina Dominique Phillips for Defendant Unum Life Insurance Company of America. (Phillips, Jerina) (Entered: 12/16/2021)
12/17/2021	<u>6</u>	ANSWER to <u>1</u> Complaint, by Unum Life Insurance Company of America.(Golterman, Robert) (Entered: 12/17/2021)
01/04/2022	<u>7</u>	RULE 16 ORDER. This case is assigned to Track: 2 (Standard). Joint Scheduling Plan due by 2/2/2022. Rule 16 Conference set for 2/9/2022 at 10:30 AM in Zoom Video Conference before Magistrate Judge Nannette A. Baker. Notice re: Magistrate Judge Jurisdiction due by 2/2/2022. Signed by Magistrate Judge Nannette A. Baker on 1/4/22. (EAB) (Entered: 01/04/2022)
01/07/2022	<u>8</u>	DISCLOSURE OF ORGANIZATIONAL INTERESTS CERTIFICATE by Defendant Unum Life Insurance Company of America. Parent companies: Unum Group d/b/a Unum Group Corporation in Missouri, Subsidiaries: None, Publicly held company: Unum Group,. (Golterman, Robert) (Entered: 01/07/2022)
01/26/2022	<u>9</u>	FULL CONSENT has been received. (JEB) (Entered: 01/26/2022)
02/01/2022	<u>10</u>	JOINT SCHEDULING PLAN by Plaintiff Michael Radle. . (Olszeski, Adam) (Entered: 02/01/2022)

02/09/2022	<u>11</u>	ELECTRONIC MINUTE ENTRY for proceedings held before Magistrate Judge Nannette A. Baker:Rule 16 Conference held on 2/9/2022. Conference held by video. CMO to issue. (proceedings started: 10:30 am) (proceedings ended: 10:42 am) (HMA) (Entered: 02/10/2022)
02/10/2022	<u>12</u>	CASE MANAGEMENT ORDER (See Full Order) This case is assigned to Track: 2 Motion to Join Parties due by 4/4/2022. Dispositive Motions due by 12/16/2022. Pretrial Compliance due by 3/7/2023. Motion in Limine due by 3/17/2023. Pretrial Conference set for 3/23/2023 10:00 AM in Courtroom 13N – St. Louis before Magistrate Judge Nannette A. Baker. Jury Trial set for 3/27/2023 09:00 AM in Courtroom 13N – St. Louis before Magistrate Judge Nannette A. Baker. Signed by Magistrate Judge Nannette A. Baker on 2/10/2022. (JEB) (Entered: 02/10/2022)
02/24/2022	<u>13</u>	AMENDED DISCLOSURE OF ORGANIZATIONAL INTERESTS CERTIFICATE by Defendant Unum Life Insurance Company of America. Parent companies: Unum Group d/b/a Unum Group Corporation in Missouri, Subsidiaries: None, Publicly held company: Unum Group > Based on its filings with the Securities and Exchange Commission on Schedule 13G, BlackRock, Inc., and its affiliates own more than 10% of the common stock of Unum Group,. (Golterman, Robert) Modified on 2/25/2022 (JEB). (Entered: 02/24/2022)
03/31/2022	<u>14</u>	MOTION for Extension of: Time to File Motion for Discovery by Plaintiff Michael Radle. (Attachments: # <u>1</u> Exhibit Exhibit A)(Olszeski, Adam) (Entered: 03/31/2022)
04/01/2022	<u>15</u>	Docket Text ORDER: IT IS HEREBY ORDERED that Plaintiff's consent motion for extension of time to file motion for limited discovery is GRANTED. [Doc. 14.] IT IS FURTHER ORDERED that Plaintiff shall file his motion by April 4, 2022. Signed by Magistrate Judge Nannette A. Baker on April 1, 2022. (JMR) (Entered: 04/01/2022)
04/04/2022	<u>16</u>	MOTION for Discovery by Plaintiff Michael Radle. (Olszeski, Adam) (Entered: 04/04/2022)
04/04/2022	<u>17</u>	MEMORANDUM in Support of Motion re <u>16</u> MOTION for Discovery filed by Plaintiff Michael Radle. (Olszeski, Adam) (Entered: 04/04/2022)
04/27/2022	<u>18</u>	Consent MOTION to Amend/Correct <i>Case Management Order as to Deadlines Relating to Plaintiff's Motion for Discovery</i> by Defendant Unum Life Insurance Company of America. (Golterman, Robert) (Entered: 04/27/2022)
04/29/2022	<u>19</u>	Docket Text ORDER: IT IS HEREBY ORDERED that Defendant's consent motion to amend Case Management Order deadlines related to Plaintiff's Motion for Discovery is GRANTED. [Doc. 18.] IT IS FURTHER ORDERED that Defendant shall file a response brief on or before May 16, 2022, and Plaintiff shall file a reply brief on or before May 30, 2022. Signed by Magistrate Judge Nannette A. Baker on April 29, 2022. (JMR) (Entered: 04/29/2022)
05/16/2022	<u>20</u>	MOTION for Partial Summary Judgment <i>on Count 1 of Plaintiff's Complaint</i> by Defendant Unum Life Insurance Company of America. (Golterman, Robert) (Entered: 05/16/2022)
05/16/2022	<u>21</u>	MEMORANDUM in Support of Motion re <u>20</u> MOTION for Partial Summary Judgment <i>on Count 1 of Plaintiff's Complaint</i> filed by Defendant Unum Life Insurance Company of America. (Golterman, Robert) (Entered: 05/16/2022)
05/16/2022	<u>22</u>	

		STATEMENT of Material Facts re <u>20</u> MOTION for Partial Summary Judgment <i>on Count 1 of Plaintiff's Complaint</i> filed by Defendant Unum Life Insurance Company of America. (Attachments: # <u>1</u> Exhibit 1)(Golterman, Robert) (Entered: 05/16/2022)
05/16/2022	<u>23</u>	MEMORANDUM in Opposition re <u>16</u> MOTION for Discovery filed by Defendant Unum Life Insurance Company of America. (Golterman, Robert) (Entered: 05/16/2022)
05/27/2022	<u>24</u>	MOTION for Extension of: Time to File a Reply to Defendant's Response to Plaintiff's Reply by Plaintiff Michael Radle. (Olszeski, Adam) (Entered: 05/27/2022)
05/27/2022	<u>25</u>	MOTION for Extension of: Time to File Response to Motion for Summary Judgment by Plaintiff Michael Radle. (Attachments: # <u>1</u> Exhibit Exhibit A)(Olszeski, Adam) (Entered: 05/27/2022)
05/31/2022	<u>26</u>	Docket Text ORDER: IT IS HEREBY ORDERED that Plaintiff's consent motions for extensions of time to file briefing are GRANTED. [Docs. 24, 25.] IT IS FURTHER ORDERED that Plaintiff shall file his reply in support of his motion for discovery no later than June 13, 2022. IT IS FINALLY ORDERED that Plaintiff shall file his response to Defendant's motion for partial summary judgment no later than June 29, 2022. Signed by Magistrate Judge Nannette A. Baker on May 31, 2022. (JMR) (Entered: 05/31/2022)
06/13/2022	<u>27</u>	REPLY to Response to Motion re <u>16</u> MOTION for Discovery filed by Plaintiff Michael Radle. (Olszeski, Adam) (Entered: 06/13/2022)
06/29/2022	<u>28</u>	RESPONSE to Motion re <u>20</u> MOTION for Partial Summary Judgment <i>on Count 1 of Plaintiff's Complaint</i> filed by Plaintiff Michael Radle. (Olszeski, Adam) (Entered: 06/29/2022)
06/29/2022	<u>29</u>	RESPONSE to Statement of Material Facts re <u>22</u> Statement of Material Facts filed by Plaintiff Michael Radle. (Olszeski, Adam) (Entered: 06/29/2022)
07/05/2022	<u>30</u>	ORDER REFERRING CASE to Alternative Dispute Resolution. This case is referred to Mediation. Designation of Lead Counsel: Adam James Olszeski. Designation of Neutral/Conference Report due by 7/26/2022. ADR Completion Deadline due by 9/5/2022. ADR Compliance Report Deadline due by 9/19/2022. Signed by Magistrate Judge Nannette A. Baker on 7/5/2022. (HMA) (Entered: 07/05/2022)
07/11/2022	<u>31</u>	REPLY to Response to Motion re <u>20</u> MOTION for Partial Summary Judgment <i>on Count 1 of Plaintiff's Complaint</i> filed by Defendant Unum Life Insurance Company of America. (Golterman, Robert) Modified on 7/11/2022 (HMA). (Entered: 07/11/2022)
08/15/2022	<u>32</u>	MEMORANDUM AND ORDER (See Full Order) IT IS HEREBY ORDERED that Plaintiff's Motion for Discovery is GRANTED. (Doc. 16.) Signed by Magistrate Judge Nannette A. Baker on 8/15/2022. (HMA) (Entered: 08/15/2022)
08/16/2022	<u>33</u>	Electronic Notice of Noncompliance to Plaintiff Michael Radle, Defendant Unum Life Insurance Company of America. Review of case shows the Designation of Neutral/ADR conference report has not been filed. A written motion requesting an extension of the designation of neutral/ADR conference report filing deadline must be filed with the court within 5 days. Notice only, no.pdf attached. Designation of Neutral/Conference Report due by 8/22/2022.(CBL) (Entered: 08/16/2022)
08/16/2022	<u>34</u>	

		(FILED IN ERROR) MOTION for Extension of Time to File; Extension to file the following: Designation of Neutral by Plaintiff Michael Radle. (Olszeski, Adam) Modified on 8/17/2022 (HMA). (Entered: 08/16/2022)
08/16/2022	<u>35</u>	Designation of Neutral by parties and ADR Conference Report by Plaintiff Michael Radle Neutral: Neuner Jr., Francis X. Date of Conference: Sept. 6, 2022 time: 9:30 Location: virtual(Olszeski, Adam) (Entered: 08/16/2022)
08/16/2022	<u>36</u>	First MOTION for Extension of Time to File ;Extension to file the following: Designation of Neutral/ADR conference Report by Plaintiff Michael Radle. (Olszeski, Adam) (Entered: 08/16/2022)
08/17/2022	37	Docket Text ORDER: Re: <u>36</u> First MOTION for Extension of Time to File ;Extension to file the following: Designation of Neutral/ADR conference Report by Plaintiff Michael Radle. (Olszeski, Adam) filed by Michael Radle ; ORDERED GRANTED. Signed by Magistrate Judge Nannette A. Baker on August 17, 2022. (JMR) (Entered: 08/17/2022)
08/18/2022	<u>38</u>	NOTICE of Appointment of Neutral. Neutral name: Neuner Jr., Francis X. Neutral selected by Parties. (HMA) (Copy of Notice sent to Neutral on 8/18/22) (Entered: 08/18/2022)
09/13/2022	<u>39</u>	ADR COMPLIANCE REPORT Neutral: Neuner Jr., Francis X. Date of Conference: 9/6/22. The parties participated in good faith. The parties did not achieve a settlement.(EAB) (Entered: 09/13/2022)
10/04/2022	<u>40</u>	MOTION for Leave to Court to File a Counterclaim Against Plaintiff Michael Radle by Defendant Unum Life Insurance Company of America. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9)(Golterman, Robert) (Entered: 10/04/2022)
10/14/2022	<u>41</u>	Joint MOTION for Protective Order <i>Stipulated</i> by Defendant Unum Life Insurance Company of America. (Attachments: # <u>1</u> Exhibit 1)(Golterman, Robert) (Entered: 10/14/2022)
10/14/2022	<u>42</u>	RESPONSE in Opposition re <u>40</u> MOTION for Leave to Court to File a Counterclaim Against Plaintiff Michael Radle filed by Plaintiff Michael Radle. (Attachments: # <u>1</u> Exhibit Plaintiff Exhibit 1, # <u>2</u> Exhibit Plaintiff Exhibit 2)(Olszeski, Adam) (Entered: 10/14/2022)
10/24/2022	<u>43</u>	REPLY to Response to Motion re <u>40</u> MOTION for Leave to Court to File a Counterclaim Against Plaintiff Michael Radle <i>in Support of its Motion for Leave to File Counterclaim</i> filed by Defendant Unum Life Insurance Company of America. (Golterman, Robert) (Entered: 10/24/2022)
10/27/2022	<u>44</u>	STIPULATED PROTECTIVE ORDER (See Full Order for Complete Details). Signed by Magistrate Judge Nannette A. Baker on 10/27/22. (EAB) (Entered: 10/27/2022)
11/01/2022	<u>45</u>	SEALED DOCUMENT <i>Joint Notice of Filing Administrative Record Under Seal by Defendant Unum Life Insurance Company of America.</i> (Attachments: # <u>1</u> Administrative Record Part 1, # <u>2</u> Administrative Record Part 2, # <u>3</u> Administrative Record Part 3, # <u>4</u> Administrative Record Part 4, # <u>5</u> Administrative Record Part 5, # <u>6</u> Administrative Record Part 6, # <u>7</u> Administrative Record Part 7)(Golterman, Robert) (Entered: 11/01/2022)

11/02/2022	<u>46</u>	Joint MOTION for Leave to File Under Seal <i>the Administrative Record</i> by Defendant Unum Life Insurance Company of America. (Attachments: # <u>1</u> Text of Proposed Order)(Golterman, Robert) (Entered: 11/02/2022)
11/03/2022	<u>47</u>	Electronic Notice of Noncompliance re <u>46</u> Joint MOTION for Leave to File Under Seal <i>the Administrative Record</i> . Review of this case shows that Defendant Unum Life Insurance Company of America filed a Motion for Leave to File Under Seal but failed to file a Sealed Memorandum in Support of Motion for Leave to File a Document Under Seal with sealed document attached, in violation of Local Rule 13.05. Please refer to the <u>Guidance on Filing Sealed Materials for Filers.pdf</u> for further instructions. (JEB) (Entered: 11/03/2022)
11/04/2022	<u>48</u>	Amended MOTION for Leave to File Under Seal <i>filed Jointly</i> by Defendant Unum Life Insurance Company of America. (Attachments: # <u>1</u> Exhibit Proposed Order)(Golterman, Robert) (Entered: 11/04/2022)
11/04/2022	<u>49</u>	SEALED MEMORANDUM in Support of <u>48</u> Amended MOTION for Leave to File Under Seal <i>filed Jointly</i> filed by Defendant Unum Life Insurance Company of America. Redacted Copy due by 11/9/2022. (Golterman, Robert) (Attachments previously filed with Doc. No. <u>45</u>) Modified on 11/7/2022 (JEB). (Entered: 11/04/2022)
11/09/2022	<u>51</u>	Docket Text ORDER: IT IS HEREBY ORDERED that the parties' Amended Joint Motion to File the Administrative Record Under Seal is GRANTED. [Doc. 48.] Signed by Magistrate Judge Nannette A. Baker on November 9, 2022. (JMR) (Entered: 11/09/2022)
11/18/2022	<u>52</u>	First MOTION for Hearing <i>Regarding Unum's Objections to Discovery</i> by Plaintiff Michael Radle. (Olszeski, Adam) (Entered: 11/18/2022)
11/18/2022	<u>53</u>	MEMORANDUM in Support of Motion re <u>52</u> First MOTION for Hearing <i>Regarding Unum's Objections to Discovery</i> filed by Plaintiff Michael Radle. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Exhibit Exhibit E)(Olszeski, Adam) (Entered: 11/18/2022)
11/30/2022	<u>54</u>	Joint MOTION to Amend/Correct <i>Case Management Order and Vacate the Current Trial Setting</i> by Defendant Unum Life Insurance Company of America. (Golterman, Robert) (Entered: 11/30/2022)
11/30/2022	<u>55</u>	MEMORANDUM in Support of Motion re <u>54</u> Joint MOTION to Amend/Correct <i>Case Management Order and Vacate the Current Trial Setting</i> filed by Defendant Unum Life Insurance Company of America. (Golterman, Robert) (Entered: 11/30/2022)
12/07/2022	<u>56</u>	Docket Text ORDER: IT IS HEREBY ORDERED that the Joint Motion to Amend Case Management Order and Vacate Current Trial Setting is GRANTED. [Doc. 54.] IT IS FURTHER ORDERED that the parties shall file any motions to dismiss, for summary judgment, or motions for judgment on the pleadings no later than February 14, 2023. Opposition briefs shall be filed no later than March 16, 2023, and reply briefs may be filed no later than March 30, 2023. IT IS FINALLY ORDERED that the March 27, 2023 trial date and associated deadlines are VACATED. Signed by Magistrate Judge Nannette A. Baker on December 7, 2022. (JMR) (Entered: 12/07/2022)
12/09/2022	<u>57</u>	

		Docket Text ORDER: IT IS HEREBY ORDERED that Plaintiff's Motion for Discovery Conference is GRANTED. [Doc. 52.] IT IS FURTHER ORDERED that a conference is SET for Tuesday, December 13, 2022, at 1:30 pm via Zoom. The parties' Joint Memorandum will be taken up at that time. Zoom information will be sent to counsel by email. Pursuant to Local Rule 13.02, all means of photographing, recording, broadcasting, and televising are prohibited in any courtroom, and in areas adjacent to any courtroom, except when authorized by the presiding judge. This includes proceedings ordered by the Court to be conducted by phone or video. (Status Conference set for 12/13/2022 01:30 PM in Zoom Video Conference before Magistrate Judge Nannette A. Baker.) Signed by Magistrate Judge Nannette A. Baker on December 9, 2022. (JMR) (Entered: 12/09/2022)
12/13/2022	<u>58</u>	Docket Text ORDER: Pursuant to counsel's email to chambers this morning, the parties' discovery dispute has been resolved and today's discovery conference is no longer necessary. Accordingly, IT IS HEREBY ORDERED that the December 13, 2022 discovery conference is VACATED. Signed by Magistrate Judge Nannette A. Baker on December 13, 2022. (JMR) (Entered: 12/13/2022)
12/20/2022	<u>59</u>	NOTICE Service of Subpoena: by Plaintiff Michael Radle (Attachments: # <u>1</u> Subpoena)(Olszeski, Adam) (Entered: 12/20/2022)
12/21/2022	<u>60</u>	SUBPOENA Returned Executed as to COR Dane Street. (Olszeski, Adam) (Entered: 12/21/2022)
12/22/2022	<u>61</u>	Electronic Notice Re: <u>60</u> Subpoena Returned, <u>59</u> Notice (Other) filed by Plaintiff Michael Radle. Counsel are reminded that discovery documents are not accepted by the Court. See Rule 3.02 (FRCP 26) Filing of Discovery and Disclosure Materials:(A) In civil actions, discovery and disclosure materials pursuant to Fed.R.Civ.P. 26, 30, 31, 33, 34, 35, and 36, and the certificates of their service, shall not be filed with the Court except as exhibits to a motion or memorandum. (JEB) (Entered: 12/22/2022)
01/24/2023	<u>62</u>	Second MOTION to Amend/Correct <u>12</u> Case Management Order,, 56 Docket Text Order,, by Plaintiff Michael Radle. (Olszeski, Adam) (Entered: 01/24/2023)
01/24/2023	<u>63</u>	MEMORANDUM in Support of Motion re <u>62</u> Second MOTION to Amend/Correct <u>12</u> Case Management Order,, 56 Docket Text Order,, filed by Plaintiff Michael Radle. (Olszeski, Adam) (Entered: 01/24/2023)
01/25/2023	<u>64</u>	Docket Text ORDER: IT IS HEREBY ORDERED that the Second Joint Motion to Amend the Case Management Order is GRANTED. [ECF No. <u>62</u>] IT IS FURTHER ORDERED that the parties shall file any motions to dismiss, for summary judgment, or motions for judgment on the pleadings no later than June 14, 2023. Opposition briefs shall be filed no later than July 14, 2023, and reply briefs may be filed no later than July 28, 2023. Signed by Magistrate Judge Nannette A. Baker on January 25, 2023. (JMR) (Entered: 01/25/2023)
02/09/2023	<u>65</u>	ADMINISTRATIVE ORDER. IT IS HEREBY ORDERED that the following cases shall be transferred to the Honorable Rodney H. Holmes, U.S. Magistrate Judge. All deadlines previously set remain in effect unless otherwise ordered by the Court (see order for case information). Signed by Chief District Judge Stephen R. Clark on 2/9/2023. (Attachments: # <u>1</u> Magistrate Judge Jurisdiction letter)(KXS) (Entered: 02/10/2023)
02/21/2023		

		Notice from Clerk instructing Plaintiff Michael Radle, Defendant Unum Life Insurance Company of America to submit Notice regarding Magistrate Judge Jurisdiction. Click here for the instructions. Notice re: Magistrate Judge Jurisdiction due by 3/1/2023. (HMA) (Entered: 02/21/2023)
03/01/2023	<u>66</u>	CJRA ORDER (GJL). Magistrate Judge Rodney H. Holmes termed. Case reassigned to District Judge Henry Edward Autrey for all further proceedings. (JEB) (Entered: 03/01/2023)
03/13/2023	<u>67</u>	OPINION, MEMORANDUM AND ORDER (See Full Order) IT IS HEREBY ORDERED that Defendant's Motion for Summary Judgment on Count I, [Doc. No. <u>20</u>], is GRANTED. An appropriate judgment will be entered upon the resolution of the remaining claim in this matter. Signed by District Judge Henry Edward Autrey on 3/13/2023. (JEB) (Entered: 03/13/2023)
03/28/2023	<u>68</u>	OPINION, MEMORANDUM AND ORDER (See Full Order) IT IS HEREBY ORDERED that Defendant's Motion for Leave of Court to File a Counterclaim against Plaintiff Michael Radle, [Doc. No. <u>40</u>], is GRANTED. Signed by District Judge Henry Edward Autrey on 3/28/2023. (JEB) (Entered: 03/28/2023)
03/28/2023	<u>69</u>	COUNTERCLAIM against plaintiff Michael Radle by Unum Life Insurance Company of America.(JEB) (Entered: 03/29/2023)
04/13/2023	<u>70</u>	ENTRY of Appearance by Matthew R. Davis for Counter Defendant Michael Radle, Plaintiff Michael Radle. (Davis, Matthew) (Entered: 04/13/2023)
04/13/2023	<u>71</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>69</u> Counterclaim by Counter Defendant/Plaintiff Michael Radle. (Davis, Matthew) Modified on 4/14/2023 (EAB). (Entered: 04/13/2023)
04/14/2023	<u>72</u>	Docket Text ORDER: Re: <u>71</u> Consent MOTION for Extension of Time to File Response/Reply as to <u>69</u> Counterclaim by Counter Defendant/Plaintiff Michael Radle; ADDITIONAL TIME IS GRANTED UP TO AND INCLUDING APRIL 21, 2023. (Response to Court due by 4/21/2023) Signed by District Judge Henry Edward Autrey on 4/14/2023. (JEB) (Entered: 04/14/2023)
04/21/2023	<u>73</u>	First MOTION to Dismiss Case by Counter Defendant Michael Radle. (Olszeski, Adam) (Entered: 04/21/2023)
04/21/2023	<u>74</u>	MEMORANDUM in Support of Motion re <u>73</u> First MOTION to Dismiss Case filed by Counter Defendant Michael Radle. (Olszeski, Adam) (Entered: 04/21/2023)
05/04/2023	<u>75</u>	<i>UNUM Life Insurance Company's ANSWER to <u>1</u> Complaint, and Statement of Affirmative and Additional Defenses, Amended COUNTERCLAIM to Plaintiff's Complaint</i> against plaintiff Michael Radle by Unum Life Insurance Company of America. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Golterman, Robert) (Entered: 05/04/2023)
05/09/2023	<u>76</u>	Docket Text ORDER: Re <u>73</u> First MOTION to Dismiss Case filed by Counter Defendant Michael Radle; ORDERED DENIED AS MOOT BY THE FILING OF THE AMENDED COUNTERCLAIM. Signed by District Judge Henry Edward Autrey on 5/9/2023. (HMA) (Entered: 05/09/2023)
05/10/2023	<u>77</u>	First MOTION to Dismiss Case <i>Amended Counterclaim</i> by Counter Defendant Michael Radle. (Olszeski, Adam) (Entered: 05/10/2023)

05/10/2023	<u>78</u>	MEMORANDUM in Support of Motion re <u>77</u> First MOTION to Dismiss Case <i>Amended Counterclaim</i> filed by Counter Defendant Michael Radle. (Olszeski, Adam) (Entered: 05/10/2023)
05/24/2023	<u>79</u>	MEMORANDUM in Opposition re <u>77</u> First MOTION to Dismiss Case <i>Amended Counterclaim</i> filed by Defendant Unum Life Insurance Company of America. (Golterman, Robert) (Entered: 05/24/2023)
05/26/2023	<u>80</u>	Third MOTION to Amend/Correct <i>CASE MANAGEMENT ORDER</i> by Defendant Unum Life Insurance Company of America. (Golterman, Robert) (Entered: 05/26/2023)
05/26/2023	<u>81</u>	MEMORANDUM in Support of Motion re <u>80</u> Third MOTION to Amend/Correct <i>CASE MANAGEMENT ORDER</i> filed by Defendant Unum Life Insurance Company of America. (Golterman, Robert) (Entered: 05/26/2023)
05/31/2023	<u>82</u>	REPLY to Response to Motion re <u>77</u> First MOTION to Dismiss Case <i>Amended Counterclaim</i> filed by Counter Defendant Michael Radle. (Olszeski, Adam) (Entered: 05/31/2023)
06/07/2023	83	Docket Text ORDER: Re <u>80</u> Third MOTION to Amend/Correct CASE MANAGEMENT ORDER by Defendant Unum Life Insurance Company of America; GRANTED. SO ORDERED. Signed by District Judge Henry Edward Autrey on 6/7/23. (EAB) (Entered: 06/07/2023)
10/18/2023	<u>84</u>	Joint MOTION to Amend/Correct <i>the Case Management Order</i> by Defendant Unum Life Insurance Company of America. (Golterman, Robert) (Entered: 10/18/2023)
10/18/2023	<u>85</u>	MEMORANDUM in Support of Motion re <u>84</u> Joint MOTION to Amend/Correct <i>the Case Management Order Fourth</i> filed by Defendant Unum Life Insurance Company of America. (Golterman, Robert) (Entered: 10/18/2023)
10/19/2023	86	Docket Text ORDER: Re: <u>84</u> Joint MOTION to Amend/Correct the Case Management Order by Defendant Unum Life Insurance Company of America; ORDERED GRANTED. Signed by District Judge Henry Edward Autrey on 10/19/2023. (JEB) (Entered: 10/19/2023)
10/23/2023	<u>87</u>	AMENDED CASE MANAGEMENT ORDER. This case is assigned to Track 2: Standard. Dispositive Motions due by 1/8/2024. Signed by District Judge Henry Edward Autrey on 10/23/2023. (HMA) (Entered: 10/23/2023)
12/06/2023	<u>88</u>	OPINION, MEMORANDUM AND ORDER: IT IS HEREBY ORDERED that Defendants' motion to dismiss, [Doc. No. <u>77</u>] is denied. Signed by District Judge Henry Edward Autrey on 12/6/2023. (CLH) (Entered: 12/06/2023)
12/27/2023	<u>89</u>	Fifth Joint MOTION to Amend/Correct <i>Case Management Order</i> by Defendant Unum Life Insurance Company of America. (Golterman, Robert) Modified on 12/28/2023 (JEB). (Entered: 12/27/2023)
12/27/2023	<u>90</u>	MEMORANDUM in Support of Motion re <u>89</u> Fifth MOTION to Amend/Correct <i>Case Management Order Joint Motion</i> filed by Defendant Unum Life Insurance Company of America. (Golterman, Robert) (Entered: 12/27/2023)
12/28/2023	91	Docket Text ORDER: Re: <u>89</u> Fifth Joint MOTION to Amend Case Management Order by Defendant Unum Life Insurance Company of America; ORDERED GRANTED. The Case Management Order is amended to the extent that any motions

		to dismiss, for summary judgment or motions for judgment on the pleadings must be filed no later than April 8, 2024. Opposition briefs shall be filed no later than May 8, 2024 and any reply brief may be filed no later than May 23, 2024. So Ordered. (Dispositive Motions due by 4/8/2024.) Signed by District Judge Henry Edward Autrey on 12/28/2023. (JEB) (Entered: 12/28/2023)
03/27/2024	<u>92</u>	Sixth MOTION to Amend/Correct <i>The Case Management Order</i> by Defendant Unum Life Insurance Company of America. (Phillips, Jerina) (Entered: 03/27/2024)
03/27/2024	<u>93</u>	MEMORANDUM in Support of Motion re <u>92</u> Sixth MOTION to Amend/Correct <i>The Case Management Order</i> filed by Defendant Unum Life Insurance Company of America. (Phillips, Jerina) (Entered: 03/27/2024)
04/05/2024	94	Docket Text ORDER: Re: <u>92</u> Sixth MOTION to Amend/Correct The Case Management Order by Defendant Unum Life Insurance Company of America; GRANTED. An amended Case Management Order will be issued this date consistent with the proposed amendments as set forth in Doc. No. 93. SO ORDERED. Signed by District Judge Henry Edward Autrey on 4/5/2024. (JEB) (Entered: 04/05/2024)
04/05/2024	<u>95</u>	AMENDED CASE MANAGEMENT ORDER: IT IS HEREBY ORDERED that the following schedule shall apply in this case, and will be modified only upon a showing of exceptional circumstances... Dispositive Motions due by 5/23/2024... SEE ORDER FOR FULL DETAILS. Signed by District Judge Henry Edward Autrey on 04/05/2024. (ANR) (Entered: 04/05/2024)
05/16/2024	<u>96</u>	First MOTION for Leave to File Answer to Counterclaim Out of Time by Counter Defendants Michael Radle, Michael Radle, Plaintiff Michael Radle. (Olszeski, Adam) (Entered: 05/16/2024)
05/16/2024	<u>97</u>	MEMORANDUM in Support of Motion re <u>96</u> First MOTION for Leave to File Answer to Counterclaim Out of Time filed by Counter Defendants Michael Radle, Michael Radle, Plaintiff Michael Radle. (Attachments: # <u>1</u> Exhibit Exhibit A)(Olszeski, Adam) (Entered: 05/16/2024)
05/17/2024	98	Docket Text ORDER: Re: <u>96</u> First MOTION for Leave to File Answer to Counterclaim Out of Time by Counter Defendants Michael Radle, Michael Radle, Plaintiff Michael Radle. (Olszeski, Adam) filed by Michael Radle; GRANTED. SO ORDERED. Signed by District Judge Henry Edward Autrey on 05/17/2024. (ANR) (Entered: 05/17/2024)
05/17/2024	<u>99</u>	ANSWER to Counterclaim by Michael Radle.(ANR) (Entered: 05/17/2024)
05/17/2024	<u>100</u>	*DUPLICATE FILING OF DOC 99* ANSWER to Counterclaim by Michael Radle.(Olszeski, Adam) Modified on 5/20/2024 (JEB). (Entered: 05/17/2024)
05/22/2024	<u>101</u>	Joint MOTION for Leave to File Brief in Excess of Page Limitations by Defendant Unum Life Insurance Company of America. (Golterman, Robert) (Entered: 05/22/2024)
05/23/2024	102	Docket Text ORDER: Re: <u>101</u> Joint MOTION for Leave to File Brief in Excess of Page Limitations by Defendant Unum Life Insurance Company of America; LEAVE TO FILE IN EXCESS OF PAGE LIMITATION IS GRANTED. Signed by District Judge Henry Edward Autrey on 5/23/2024. (JEB) (Entered: 05/23/2024)
05/23/2024	<u>103</u>	First MOTION for Summary Judgment <i>On Count II of Complaint and UNUM's Counterclaim</i> by Counter Defendant Michael Radle, Plaintiff Michael Radle.

		(Olszeski, Adam) (Entered: 05/23/2024)
05/23/2024	<u>104</u>	MEMORANDUM in Support of Motion re <u>103</u> First MOTION for Summary Judgment <i>On Count II of Complaint and UNUM's Counterclaim</i> filed by Counter Defendant Michael Radle, Plaintiff Michael Radle. (Olszeski, Adam) (Entered: 05/23/2024)
05/23/2024	<u>105</u>	STATEMENT of Material Facts re <u>103</u> First MOTION for Summary Judgment <i>On Count II of Complaint and UNUM's Counterclaim</i> filed by Counter Defendant Michael Radle, Plaintiff Michael Radle. (Olszeski, Adam) (Entered: 05/23/2024)
05/23/2024	<u>106</u>	Cross MOTION for Summary Judgment <i>on Count II of Plaintiff's Complaint</i> by Defendant Unum Life Insurance Company of America. (Golterman, Robert) (Entered: 05/23/2024)
05/23/2024	<u>107</u>	MEMORANDUM in Support of Motion re <u>106</u> Cross MOTION for Summary Judgment <i>on Count II of Plaintiff's Complaint</i> filed by Defendant Unum Life Insurance Company of America. (Golterman, Robert) (Entered: 05/23/2024)
05/23/2024	<u>108</u>	STATEMENT of Material Facts re <u>106</u> Cross MOTION for Summary Judgment <i>on Count II of Plaintiff's Complaint</i> filed by Defendant Unum Life Insurance Company of America. (Golterman, Robert) (Entered: 05/23/2024)
06/24/2024	<u>109</u>	Joint MOTION for Leave to File Brief in Excess of Page Limitation by Defendant Unum Life Insurance Company of America. (Golterman, Robert) (Entered: 06/24/2024)
06/24/2024	<u>110</u>	MEMORANDUM in Opposition re <u>106</u> Cross MOTION for Summary Judgment <i>on Count II of Plaintiff's Complaint</i> filed by Counter Defendant Michael Radle, Plaintiff Michael Radle. (Olszeski, Adam) (Entered: 06/24/2024)
06/24/2024	<u>111</u>	RESPONSE to Statement of Material Facts re <u>108</u> Statement of Material Facts filed by Counter Defendant Michael Radle, Plaintiff Michael Radle. (Olszeski, Adam) (Entered: 06/24/2024)
06/24/2024	<u>112</u>	MEMORANDUM in Opposition re <u>103</u> First MOTION for Summary Judgment <i>On Count II of Complaint and UNUM's Counterclaim</i> filed by Defendant Unum Life Insurance Company of America. (Golterman, Robert) (Entered: 06/24/2024)
06/24/2024	<u>113</u>	RESPONSE to Statement of Material Facts re <u>105</u> Statement of Material Facts filed by Defendant Unum Life Insurance Company of America. (Golterman, Robert) (Entered: 06/24/2024)
06/25/2024	114	Docket Text ORDER Re: <u>109</u> Motion for Leave to File Brief in Excess of Page Limitation; LEAVE TO FILE IN EXCESS OF PAGE LIMITATION IS GRANTED. SO ORDERED. Signed by District Judge Henry Edward Autrey on 6/25/2024. (JEB) (Entered: 06/25/2024)
07/08/2024	<u>115</u>	MEMORANDUM in Support of Motion re <u>106</u> Cross MOTION for Summary Judgment <i>on Count II of Plaintiff's Complaint</i> filed by Defendant Unum Life Insurance Company of America. (Golterman, Robert) (Entered: 07/08/2024)
07/08/2024	<u>116</u>	RESPONSE to Statement of Material Facts re <u>105</u> Statement of Material Facts filed by Defendant Unum Life Insurance Company of America. (Golterman, Robert) (Entered: 07/08/2024)
07/08/2024	<u>117</u>	

		REPLY to Response to Motion re <u>103</u> First MOTION for Summary Judgment <i>On Count II of Complaint and UNUM's Counterclaim</i> filed by Counter Defendant Michael Radle, Plaintiff Michael Radle. (Olszeski, Adam) (Entered: 07/08/2024)
11/12/2024	<u>118</u>	OPINION, MEMORANDUM AND ORDER: IT IS HEREBY ORDERED that Defendant's Cross Motion for Summary Judgment, [Doc. No. <u>106</u>] is granted. IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment on Count II of Plaintiff's Complaint and Defendant's Counterclaim, [Doc. No. <u>103</u>], is denied. Signed by District Judge Henry Edward Autrey on 11/12/2024. (CLH) (Entered: 11/12/2024)
01/14/2025	<u>119</u>	STIPULATION re <u>75</u> Answer to Complaint,, Counterclaim, <i>JOINT STIPULATION OF DISMISSAL OF UNUM LIFE'S COUNTERCLAIM</i> by Counter Claimant Unum Life Insurance Company of America, Defendant Unum Life Insurance Company of America. (Phillips, Jerina) (Entered: 01/14/2025)
01/17/2025	120	Docket Text ORDER OF DISMISSAL with prejudice re: <u>119</u> STIPULATION re <u>75</u> Answer to Complaint, Counterclaim, JOINT STIPULATION OF DISMISSAL OF UNUM LIFE'S COUNTERCLAIM by Counter Claimant Unum Life Insurance Company of America; SO ORDERED. Signed by District Judge Henry Edward Autrey on 1/17/2025. (CLH) (Entered: 01/17/2025)
01/17/2025	<u>121</u>	JUDGMENT: IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that judgment is entered in favor of Defendant and against Plaintiff. Pursuant to Local Rule 13.05, Section B(2), if a party wishes for any documents previously filed under seal to remain sealed, a Motion to Continue Sealing must be filed in this case within 90 days following the final disposition of the litigation. 60–Day Reminder for LR 13.05 Unsealing 3/18/2025 90–day Reminder for LR 13.05 Unsealing 4/17/2025. Signed by District Judge Henry Edward Autrey on 1/17/2025. (CLH) (Entered: 01/17/2025)
02/18/2025	<u>122</u>	NOTICE OF APPEAL as to <u>121</u> Judgment – (Case),, by Plaintiff Michael Radle. Filing fee \$ 605, receipt number AMOEDC–11094612. (Entered: 02/18/2025)
02/18/2025	<u>123</u>	NOTIFICATION OF APPEAL AND NOA SUPPLEMENT by clerk to USCA regarding <u>121</u> Judgment – (Case),,. Notice of Appeal filed on 2/18/2025 by Plaintiff Michael Radle. NOTIFICATION TO COUNSEL AND PRO SE PARTY: FILE REQUEST FOR TRANSCRIPT WITH DISTRICT COURT CLERKS OFFICE.(JBH) (Entered: 02/18/2025)

MIME-Version:1.0
From:Moed_AutoSend@moed.uscourts.gov
To:MOED_ECF_Notification@moed.uscourts.gov
Bcc:
--Case Participants: Jerina Dominique Phillips (jerina-phillips-4382@ecf.pacerpro.com, jphillips@lewisrice.com, kpeter@lewisrice.com), Matthew R. Davis (5715045420@filings.docketbird.com, adam@dodisabilitylaw.com, matt@dodisabilitylaw.com), Adam James Olszeski (4066953420@filings.docketbird.com, adam@dodisabilitylaw.com, matt@dodisabilitylaw.com), Robert J. Golterman (jdebello@lewisrice.com, rgolterman@lewisrice.com, robert-golterman-7935@ecf.pacerpro.com), District Judge Henry Edward Autrey (beverly_goff@moed.uscourts.gov, lynn_reid@moed.uscourts.gov, moed_he_notifications@moed.uscourts.gov, moed_he_spm_rhh_orders@moed.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:11210555@moed.uscourts.gov
Subject:Activity in Case 4:21-cv-01039-HEA Radle v. Unum Life Insurance Company of America
Order of Partial Dismissal pursuant to 28 U.S.C.1915(A)
Content-Type: text/html

U.S. District Court

Eastern District of Missouri

Notice of Electronic Filing

The following transaction was entered on 1/17/2025 at 10:23 AM CST and filed on 1/17/2025

Case Name: Radle v. Unum Life Insurance Company of America

Case Number: 4:21-cv-01039-HEA

Filer:

Document Number: 120(No document attached)

Docket Text:

Docket Text ORDER OF DISMISSAL with prejudice re: [119] STIPULATION re 75 Answer to Complaint,, Counterclaim, JOINT STIPULATION OF DISMISSAL OF UNUM LIFE'S COUNTERCLAIM by Counter Claimant Unum Life Insurance Company of America. SO ORDERED. Signed by District Judge Henry Edward Autrey on 1/17/2025. (CLH)

4:21-cv-01039-HEA Notice has been electronically mailed to:

Robert J. Golterman rgolterman@lewisrice.com, jdebello@lewisrice.com, robert-golterman-7935@ecf.pacerpro.com

Matthew R. Davis matt@dodisabilitylaw.com, 5715045420@filings.docketbird.com, adam@dodisabilitylaw.com

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4:21-cv-01039-HEA Notice has been delivered by other means to:

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

MICHAEL RADLE

Plaintiff,

v.

**UNUM LIFE INSURANCE COMPANY
OF AMERICA,**

Defendant.

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Case. No. 4:21-CV-1039 HEA

NOTICE OF APPEAL

Notice is hereby given that Plaintiff Michael Radle appeals to the United States Court of Appeals for the Eighth Circuit from the final judgment entered in this action on the 17th day of January 2025.

Davis Olszeski, LLP

/s/ Matthew R. Davis

Matthew R. Davis, 58205

Adam J. Olszeski, 66126

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Certificate of Service

I certify that on February 18, 2025 this document was served upon all parties of record via the Court's electronic filing system.

/s/ Matthew R. Davis

US Court of Appeals - Eighth Circuit
NOA Supplement

Caption:

Radle v. Unum Life Insurance Company of America

USCA#:**Case Number:**

4:21-CV-01039-HEA

Plaintiff:

MICHAEL RADLE

Defendant:

UNUM LIFE INSURANCE COMPANY OF AMERICA, et al.

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Court Reporter(s):

None Paid

Please return files and documents to:

Clerk for Eastern District of Missouri

Person to contact about the appeal:

J Horton at 314-244-7900

Length of trial

N/A

Fee:

Paid on 2/18/2025

IFP:

None

Pending IFP Motion

No

Counsel:

Yes

Pending Motions:

No

Local Interest:

No

Simultaneous Release:

No

Criminal Cases/Prisoner Pro Se Cases Only:

Is defendant incarcerated?: No

Where:

Please list all other defendants in this case if there were multiple defendants: